STATE OF MINNESOTA OFFICE OF OMBUDSPERSON FOR FAMILIES

BIENNIAL REPORT 2000-2001 TO THE GOVERNOR

SUBMITTED BY BAUZ L. NENGCHU, OMBUDSPERSON FOR ASIAN-PACIFIC FAMILIES, PURSUANT TO MINNESOTA STATUTE 257.0766, SUBD. 2

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4. OMBUDSPERSON FOR FAMILIES

Minnesota Statute 257.0755 Subd.2 states that the Ombudsperson shall be selected by the applicable community-specific board established in section 257.0768. The Ombudsperson serves in the unclassified service at the pleasure of the community-specific board and may be removed only for just cause. The Ombudsperson must be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy regarding the protection and placement of children from families of color. In addition, the Ombudsperson must be experienced in dealing with communities of color and knowledgeable about the needs of those communities. No individual may serve as ombudsperson while holding any other public office.

5. COMMUNITY-SPECIFIC BOARD

Each community-specific board consists of five members. Currently, there are four members of Asian-Pacific Advisory Board who advise and assist the Ombudsperson in selecting matters for attention in their community, and in developing policies, plans, and programs to carry out the ombudsperson's functions and powers.

The four Asian-Pacific Advisory Board Members are:

- Linda Davis, Chairperson Special Education Teacher
- (2). Gail Chang Bohr Executive Director Children's Law Center of Minnesota
- (3). Daniel Lew State of Minnesota Public Defender
- (4). Pakou Ly, Program Manager Minnesota Department of Human Services

To fulfill their obligation, they also held joint meetings with the other three community-specific boards, at least four times per year. The Board Members advise the ombudspersons on overall policies, plans, protocols, and programs for the office, besides conducting their own quarterly meetings with the Ombudsperson.

The Ombudsperson is grateful to have them as her advisors, and for their commitment and continuing support of the office to help improve standards of competence, efficiency, justice, and protection of rights for all Asian-Pacific Families and their children in the State of Minnesota. For further information on the community-specific Board in regard to its memberships, meetings, and duties, please refer to the Statute (Minnesota Statute 257.0768).

6. JOB DESCRIPTION

On July 14, 2000, the Asian-Pacific Advisory Board revised the job description of the Ombudsperson to reflect changes in the position.

The four principal responsibilities of the revised job description for the Ombudsperson are the following:

7. DATA ON ASIAN-PACIFIC CHILDREN IN MINNESOTA

Table 1. Minnesota Population Profiles: Asian-Pacific children age 17 and under and gender.

Number of Asian-Pacific Children by Age and Gender				
Age	Male	Female	All	Percent of Total Asian Population
Under 5 years	6,930	6,986	13,916	9.80
5 to 9 years	7,548	7,225	14,773	10.41
10 to 14 years	7,990	7,914	15,904	11.20
15 to 17 years	4,473	4,765	9,238	6.51
Total Population of persons 17 years and younger	26,941	26,890	53,831	37.92

Source: 2000 Census: State of Minnesota

Table 2. Minnesota Population Profiles: Native Hawaiian and other Pacific Islander children age 17 and under, and gender.

Native		nd other Pac / Age and Ge		er Children
Age	Male	Female	All	Percent of Total
Under 5 years	63	71	134	6.77
5 to 9 years	97	88	185	9.35
10 to 14 years	89	76	165	8.34
15 to 17 years	48	34	82	4.14

Source: 2000 Census: State of Minnesota

8. MATREATMENT DATA FROM THE DEPARTMENT OF HUMAN SERVICES (DHS)

At the Ombudsperson's request, the Minnesota Department of Human Services provided the following maltreatment data to be included in this report. This data is crucial to further help identifying the ages of Asian-Pacific children "being maltreated", the maltreatment type, and the gender for year 2000, in Ramsey, Hennepin, and Dakota counties as well as the State of Minnesota.

*Note: To be culturally sensitive, the word "victims" is being replaced by "being maltreated".

1). Determined number of Asian-Pacific "being maltreated" by their ages in 2000.

State of Minnesota

Ramsey County

Age at Intake	N	Age at Intake	N
<1	24	<1	9
1	23	1	11
2	21	2	10
3	21	3	10
4	22	4	11
5	24	5	14
6	38	6	20
7	35	7	14
8	28	8	14
9	32	9	19
10	41	10	19
11	24	11	11
12	18	12	7
13	21	13	7
14	20	14	10
15	12	15	4
16	12	16	6
17	9	17	4
Missing Data/Error	7	Missing Data/Error	2
Total	432	Total	202

The highest number is at the age of ten.

The highest number is at the age of six.

<u>Note</u>: A child may have been maltreated to more than one type of abuse; therefore the counts may be greater than the number of victims.

3). Determined Number of Asian-Pacific children "being maltreated" by gender in year 2000.

State of Min	nesota	Ramsey Co	ounty	Hennepir	County	Dakota	County
Gender	Number	Gender	Number	Gender	Number	Gender	Number
Female	231	Female	103	Female	90===	Female	10=
Male	201	Male	99	Male	75	Male	6
Total	432	Total	202	Total	165	Total	16

Remarks: Based on the data of the determined number of Asian-Pacific children "being maltreated" by their ages in 2000 for the State of Minnesota, the highest number is at the age of ten. The highest number of maltreatment type is neglect; and, the highest number by gender is female.

A). Ramsey County: Forty-three cases of Asian-Pacific children open for year 2000. (As of November 1, 2000 for Eastside Office; November 3, 2000 for North Suburban; October 25, 2000 for Midway-Frog town; and December 20, 2000 for Midway Central Unit)

Table 3

	Midway Central Unit	North Suburban	Midway- Frog town	Eastside Office *	Number of cases; TOTAL
Race Subgroup					5
Hmong Cambodian Vietnamese	26 5 2	4	1	5	
(Subtotal)	33	4	1	5	43 cases
Nature of Maltreatment					
Neglect Parent-child conflict Mental Illness Sexual Abuse	1 0 3 4	2		1	
Physical abuse/threatened physical abuse Run Away/Truancy Threatened to harm self and	5 3 4	1	1	1	
child Chemical Dependency Domestic Abuse Delinquency Unavailable through SSI Unspecified	0 2 2 2 2 0 6			1 0 1	
Interstate Compact Medical Neglect	1 0	1		1	
(Subtotal)	33	4	1	5	43 cases
Placement			24		
Foster Home Shelter Other Placement Unavailable through SSIS No Placement	3 0 1 28 0 0	4	1	5	
Relative Placement					
(Subtotal)	33	4	1	5	43 cases

 $\underline{\textbf{Note}}\textsc{:}$ These case numbers are not representative of geographic distributions.

Sources: Ramsey County Community Human Services

<u>C </u>	and the second s
M) Inadequate care for emotional needs	0
N) Inadequate attention to educational needs	0
O) Abandonment	3
P) Other neglect	4
Q) No substantiated maltreatment	6
R) Parental drug use	0
S) Inadequate supervision	1
T) Inadequate provision for physical needs	0
U) Child's behavior problems—mental health	3
All of A), H), M), N), and K)	1
All of A), and P)	3
All of A), B), F), and K)	1
All of J), K), P), and F)	1
All of A), F), K), and P)	1
All of K), T), and P)	1
All of K) and B)	1
All of A) and K)	1
All of A), C), and D)	1
All of F), H), and K)	1
All of P), A), R), O), and K)	1
All of F) and P)	1
All of H), K), and F)	1
Unavailable/unidentified	1
Total	41
Placement	Number of Cases
Pre-adoptive home-relative	0
Pre-adoptive home-none-relative	0
Foster family home-non-relative	10
Foster family home-relative	1
Group home	1
Residential treatment/institution	4
Supervised independent living	0
Runaway (from placement)	0
No placement	24

10. TRENDS IN CHILD PROTECTION CASES FOR ASIAN-PACIFIC AND CHILDREN

A). From Table 3, the highest number of cases of Asian-Pacific children open in Ramsey County is Hmong, with 36 cases out of 43, followed by Cambodian with five (5) cases, and Vietnamese with two (2) cases. For the maltreatment type, *physical abuse/threatened physical abuse* is the highest with eight (8) cases, followed by *threatened to harm self and child* and *sexual abuse*, *each* with four (4) cases. For placement, although 28 cases were not available through SSIS at the time, 10 cases have no out-of-home placements.

Ramsey County

(From Table 3 of page 12)

Race Subgroup	Number of Cases/Total	Maltreatment Type	Number of cases/Total
Hmong	36/43	Physical abuse/threatened physical abuse	8/43
Cambodian	5/43	Threatened to harm self and child	4/43
Vietnamese	2/43	Sexual abuse	4/43

B). From Table 4, the highest number of cases of Asian-Pacific children open in Hennepin County is Hmong, with 12 cases out of 41, followed by Vietnamese with nine (9) cases, Laotian, Cambodian, and Chinese, each with four (4) cases. For the maltreatment type, no substantiated maltreatment is the highest with six (6) cases. Further analysis to understand the underlying issues is desirable. Neglect is the second highest with four (4) cases followed by, simple physical abuse, abandonment, and child's behavior problems, each with three (3) cases. For placement, the highest number with 10 cases is the foster family home--non-relative, followed by residential treatment/institution with four (4) cases compared to the 24 cases with no out-of-home placements.

Hennepin County

(From Table 4 of page 13)

Race Subgroup	Number of Cases/Total	Maltreatment Type	Number of Cases/Total	Placement Type	Number of Cases/Total
Hmong	12/41	No Substantiated Maltreatment	6/41	Foster family home- non-relative	10/41
Vietnamese	9/41	Neglect	4/41	Residential Treatment/Institution	4/41

11. SUMMARY OF OMBUDSPERSON'S ACTIVITIES YEAR 2000-2001

The following table highlights some of the Ombudsperson's involvement and participation with community based organizations and state government agencies in a variety of ways (e.g. meeting/networking, task force, advisory committee), as needed, in regard to the child welfare issues impacting the Asian-Pacific and Islander children and their families.

Observations in Courts	Task Force/Advisory Committees	Community Meeting/Networking	Training/Conferences
2/29/00 Hennepin County Juvenile Court	4/11/00 Juvenile Justice Services Task Force-Juvenile Focus Group	4/13/00 "Health Resource Fair" by Head Start at Arlington High School, St. Paul	4/7, 4/8, and 4/9/2000 Hmong Circles of Peace in St. Paul, Minnesota
7/6/00 Scott County Court House	12/18/00 Statewide Assessment Consultation Team- DHS	01/22/00, 2/12, 3/15, 4/12, 5/13, and 4/19/00; <u>Hmong</u> <u>Community Initiate</u> at Lao Family Community, Inc.	4/14/00 Pre-Conference Broadcast – How diverse community can have access to State resources or networking, DHS
7/13/00 Ramsey County Juvenile Court	12/27/00 Statewide Assessment Consultation Team- DHS	4/19/00 Hmong Circles of Peace	01/31/01, 02/13/01, and 03/09/01 Budget Hearing at the State Capitol and Senate House
7/20/00 Scott County Court House	01/8/01 Statewide Assessment Consultation Team- DHS	5/13/00 Hmong Initiate at Lao Family Community, Inc.	02/07/01 Leadership Training at Hamline University
8/17/00 Ramsey County Juvenile Court	01/22/01 Statewide Assessment Consultation Team	7/18/00 Hmong Circles of Peace	03/16/01 Mental Health on Southeast Asian community
10/26/00 Jackson County Courthouse	05/01/01 Statewide Assessment Consultation Team- Orientation at Aeronautics Bldg	01/11/01 Council on Asian-Pacific Minnesotans with the Executive Director	06/15/01 Special Training Opportunity for Safety Committees
05/31/01 Ramsey County Juvenile Court	05/14/01-05/18/01 Federal review of Children and Family Services in Minnesota—reviewed child protection cases in Hennepin County	01/11/01, 09/06/01, and 12/27/01 Minnesota <u>Ombudsman Roundtable</u>	06/07/00-06/09/00 Ombudsman Leadership Forum Conference in San Francisco, CA.
08/16/01 Ramsey County Juvenile Court	06/08/01 Statewide Assessment Consultation Team DHS	01/16/01 Presentation of the Ombudsperson's activities to the Board Members of the Council on Asian-Pacific Minnesotans	11/01/01 Hmong Circles of Peace

Office Coordinator: Lack of funding in the current budget impedes the hiring of an office assistant to provide efficient and timely support and administer the necessary and routine paperwork. All four Ombudspersons representing the four communities have agreed to take turns being the office coordinator. And since July 1st, 2001 to the present, the Ombudsperson for Asian-Pacific Families has volunteered to be the office coordinator for at least two years.

12). CASES/REFERRALS

From January 2000 to December 2001, the Ombudsperson for Asian-Pacific Families received a total of seven (7) complaints, two (2) referrals for consultation, and close to one hundred fifty calls for information. There are four (4) Hmong cases, two (2) Laotian, one Vietnamese, one Filipino, and one Cambodian. The following highlights samples of one case and two referrals for consultation. For the case, it describes the types of issues/complaint received, findings and recommendations made by the Ombudsperson to the child protection agency to remedy the complaint, and last but not least, the outcome.

Case: Issues/Complaint: A distraught mother with limited English proficiency called the Ombudsperson for help concerning her son's whereabouts. According to her, her son who is five year-old went to school on a Friday afternoon and did not come home. She went looking for him at school but was unable to obtain accurate information about her son's whereabouts. She said she cried all Friday afternoon, Saturday, and Sunday. She thought someone might have kidnapped him or hurt him.

<u>Findings</u>: A five year-old boy was placed under 72-hours protective hold on Friday. An untrained interpreter was used during the assessment process, based on the audiotape that contains the translation between the child protection worker and the mother. The police officer that removed the child contacted the family and explained it through a 13 year-old daughter that the child had been placed. The 13 year-old failed to inform her mother in a timely manner.

Recommendations/outcomes: It was agreed that the agency will continue to strive to provide appropriate training for the current staff regarding issues specific to the Southeast Asian community; that the agency is committed to hiring culturally competent staff to better serve the Southeast Asian families; and, that the agency has much work to do in order to better address specific language and cultural issues with its growing diverse population. The child was later reunited with his family. The case was referred to alternative response.

Referral # 1: <u>Issues</u>: A child protection social worker referred a case of a 16 year-old (male) truant. There were concerns about the parents' ability to understand the laws in this country and about their abilities to set boundaries for him.

Recommendations to Child Protection Social Worker: Following a phone conversation with the parents and the teenager, the Ombudsperson made recommendations to: (1) provide a qualified interpreter to communicate effectively with the parents; (2) find out and acknowledge the difficulties that the parents may have in dealing with their son's truancy; (3) empower them by educating them about the laws and the parents' responsibilities in this country; and, (4) contact the specific-community based organization that can provide services to meet the needs of the family. The

13. CHALLENGES FOR SOCIAL SERVICE AGENCIES IN SERVING ASIAN-PACIFIC FAMILIES

In order to identify the challenges that Asian-Pacific children and their families are facing in child protection and social services, five random cases were selected by the beginning of year 2001 from the three sites: Ramsey, Hennepin, and Dakota counties. The following is the report of the Ombudsperson's findings based on the review of nine files out of fifteen, three from each county:

- Short fall of effective, culturally sensitive, and gender-specific services for young sexually abused female victims;
- > Existing language barriers for parent(s) to communicate effectively with law enforcement, child protection agency staff, and court officials;
- Short fall of culturally sensitive resources and effective programs to serve Asian-Pacific families to correct the problems that led to the out-of-home placements;
- Short fall of culturally sensitive resources, gender-specific services, and effective programs for Asian-Pacific habitual truants, who also are individualized education program (IEP) students with limited English Skills;
- Cultural and language barriers can limit parents' ability to adapt to Western parenting styles;
- Discrepancies of services that were to be provided according to the service plan, and the actual services being provided;
- Language barriers and insurance problems hindered family's ability to obtain therapy in a timely manner;
- > Financial difficulties due to spouse's absence compelled the parent to prematurely seek reunification with the spouse;
- Parents should be included in the decision making process regarding a need for their child to either attend a treatment program or to abstain from all use of mood altering substances;
- Interpretive services must be taken into consideration when doing the psychological evaluation for people with limited English skills;
- > A toddler can be very traumatized by being placed with people who are not from the same ethnic background and who don't speak his/her native language.

15. STATUTE

OMBUDSPERSON FOR FAMILIES

257.0755 OFFICE OF OMBUSPERSON; CREATION; QUALIFICATONS; FUNCTION.

Subdivision 1. **Creation**. One ombudsperson shall operate independently from but in collaboration with each of the following groups: the Indian Affairs Council, the Council on Affairs of Chicano/Latino people, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans.

- Subd. 2. **Selection; qualifications**. The ombudsperson for each community shall be selected by the applicable community-specific board established in section 257.0768. Each ombudsperson serves in the unclassified service at the pleasure of the community-specific board and may be removed only for just cause. Each ombudsperson must be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy regarding the protection and placement of children from families of color. In addition, the ombudsperson must be experienced in dealing with communities of color and knowledgeable about the needs of those communities. No individual may serve as ombudsperson while holding any other public office.
- Subd. 3. **Appropriation**. Money appropriated for each ombudsperson from the general fund or the special fund authorized by section 256.01, subdivision 2, clause (15), is under the control of each ombudsperson for which it is appropriated.

257.076 DEFINITIONS.

Subdivision 1. **Scope**. For the purposes of sections 257.0755 to 257.0768, the following terms shall have the meanings given them in this section.

- Subd. 2. **Agency**. "Agency" means the divisions, officials, or employees of the state departments of human services and health and local district courts or a designated county social service agency as defined in section 256G.02, subdivision 7, engaged in providing child protection and placement services for children. "Agency" also means any individual, service, or program providing child protection or placement services in coordination with or under contract to any other entity specified in this subdivision.
- Subd. 3. **Communities of color**. "Communities of color" means the following: American Indian, Hispanic-Latino, Asian-Pacific, African, and African-American communities.
- Subd. 4. Compadrazgo. "Compadrazgo" is a kinship institution within the Hispanic-Latino community used as a means of parenting and caring for children from birth to adulthood.
- Subd. 5. Family of color. "Family of color" means any family with a child under the age of 18 who is identified by one or both parents or another trusted adult to be of American Indian, Hispanic-Latino, Asian-Pacific, African, or African-American descent.

- (3) investigate, upon a complaint or upon personal initiative, any action of any agency;
- (4) request and be given access to any information in the possession of any agency deemed necessary for the discharge of responsibilities. The ombudsperson is authorized to set reasonable deadlines within which an agency must respond to requests for information. Data obtained from any agency under this clause shall retain the classification which it had under section 13.02 and shall be maintained and disseminated by the ombudsperson according to chapter 13;
- (5) examine the records and documents of an agency;
- (6) enter and inspect, during normal business hours, premises within the control of an agency; and
- (7) subpoena any agency personnel to appear, testify, or produce documentary or other evidence which the ombudsperson deems relevant to a matter under inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the laws of this state. The ombudsperson may compel nonagency individuals to testify or produce evidence according to procedures developed by the advisory board.

257.0763 MATTERS APPROPRIATE FOR REVIEW.

- (a) In selecting matters for review, an ombudsperson should give particular attention to actions of an agency, facility, or program that:
- (1) may be contrary to law or rule:
- (2) may be unreasonable, unfair, oppressive, or inconsistent with a policy or order of an agency, facility, or program;
- (3) may result in abuse or neglect of a child;
- (4) may disregard the rights of a child or other individual served by an agency or facility; or
- (5) may be unclear or inadequately explained, when reasons should have been revealed.
- (b) An ombudsperson shall, in selecting matters for review, inform other interested agencies in order to avoid duplicating other investigations or regulatory efforts, including activities undertaken by a tribal organization under the authority of sections 260.751 to 260.835.

257.0764 COMPLAINTS.

An ombudsperson may receive a complaint from any source concerning an action of an agency, facility, or program. After completing a review, the ombudsperson shall inform the complainant, agency, facility, or program. Services to a child shall not be unfavorably altered as a result of an investigation or complaint. An agency, facility, or program shall not retaliate or take adverse action, as defined in section 626.556, subdivision 4a, paragraph (c), against an individual who, in good faith, makes a complaint or assists in an investigation.

- Subd. 3. **Meetings**. Each board shall meet regularly at the request of the appointing chair or the ombudsperson.
- Subd. 4. **Duties**. Each board shall appoint the ombudsperson for its community. Each board shall advise and assist the ombudsperson for its community in selecting matters for attention; developing policies, plans, and programs to carry out the ombudsperson's functions and powers; establishing protocols for working with the communities of color; developing procedures for the ombudspersons' use of the subpoena power to compel testimony and evidence from nonagency individuals; and making reports and recommendations for changes designed to improve standards of competence, efficiency, justice, and protection of rights.
- Subd. 5. **Terms, compensation, removal, and expiration.** The membership terms, compensation, and removal of members of each board and the filling of membership vacancies are governed by section 15.0575.
- Subd. 6. **Joint meetings**. The members of the four community-specific boards shall meet jointly at least four times each year to advise the ombudspersons on overall policies, plans, protocols, and programs for the office.

257.0769 FUNDING FOR THE OMBUSPERSON PROGRAM.

- (a) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, clause (15), to the Indian Affairs Council for the purposes of sections 257.0755 to 257.0768.
- **(b)** Money is appropriated from the special fund authorized by section 256.01, subdivision 2, clause (15), to the Council on Affairs of Chicano/Latino people for the purposes of sections 257.0755 to 257.0768.
- (c) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, clause (15), to the Council of Black Minnesotans for the purposes of sections 257.0755 to 257.0768.
- (d) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, clause (15), to the Council on Asian-Pacific Minnesotans for the purposes of sections 257.0755 to 257.0768.

257.175 DUTIES OF COMMISSIONER OF HUMAN SERVICES.

It shall be the duty of the commissioner of human services to promote the enforcement of all laws for the protection of defective, dependent, neglected, and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate executive officer and such assistants as shall be necessary to carry out the purposes of this section and section 257.33.



June 5, 2001

Bauz Nengchu Ombuspersons for Families 1450 Energy Park Dr Suite 106 St. Paul, MN 55108

Dear Ms. Nengchu:

The onsite portion of the Federal review of Children and Family Services in Minnesota has been completed thanks in part to your efforts. It was a week of long hours and intense work. I am grateful for your involvement in this project. Your dedication and commitment to the children and families we serve is readily apparent in activities like this. We plan to continue to call upon you as we develop and implement a Program Improvement Plan.

Again, thank you very much.

Sincerely,

Erin Sullivan Sutton Assistant Commissioner

444 Lafrynte Road North • Sairt Pord, Minnesota • 55155 • An Equal Opportunity Employer



March 5, 2001

Bauz L. Nengchu Ombudsperson for Asian-Pacific Families 1450 Energy Park Drive Suite 106 St. Paul, MN 55108

Dear Mr. Nengchu:

Thank you for participating in the Statewide Assessment Consultation Team during the last several months. As you are aware, the federal review is an important and comprehensive examination of services to children and families in Minnesota. We deeply appreciate your role in this review. We have received positive comments from the Regional Office in Chicago about both the breadth of the team and the quality of the discussions. Children's Services needs close collaboration with community partners and stakeholders in order to fulfill its mission and improve services to children and families in the state. Your participation in the Statewide Assessment Consultation Team has helped foster this collaboration.

Again, we are grateful for your commitment to and participation in this process.

Sincerely

Erin Sullivan Sutton Assistant Commissioner